REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	22 September 1999
Name of applicant/court:	Secretary for Internal Affairs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	!!!!!!!!!!!!!4f.jpg
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Computer Printout
Country of Origin:	Not Stated
Language:	English

Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

Direction to issue a label has been given on: Not Applicable.

SUMMARY OF THE REASONS FOR DECISION:

The computer printout entitled *!!!!!!!!!!!!!4f.jpg* is classified as:
Objectionable.

The computer printout is a black and white hard copy of the JPEG computer image file of the same name. The printout consists of a large photographic image with a line of text above giving the file name, dimensions and type. The image depicts four naked girls lying side by side on a deck in the sun. The girls are all up on their elbows and looking toward the photographer. They are viewed from their feet, up their bodies to their heads. The girl nearest the camera has her legs slightly parted so that her genitals are more visible than the other three, whose knees are all together.

The classification is due to the extent and degree to which, and the manner in which, the publication exploits the nudity of children. The girls' physical characteristics indicate that they are 14 years of age or younger. Although their positioning and physical nearness to one another presents as somewhat unlikely and contrived, and the angle at which the picture is taken maximises the exposure of the girls' bodies to the viewer, this scene might be considered to have a legitimate place as a photographic print in a nudist or naturist family album. However the format in which the publication is presented removes the image from this realm.

The printout is a hard copy reproduction of the computer image file of the same name in "jpeg" format. The image file format is relevant to the potential availability and proliferation of the image. The file may be stored within a computer, on a computer disk or on a writable CD-ROM. The computer technology by which the file is accessed allows for easy transmission, reproduction and proliferation of files, to other computers via national and international telecommunications networks, such as the Internet, and allows files to be similarly stored or reproduced. The "jpeg" file format allows for optimal colour and resolution qualities when it is reproduced.

Given all of these characteristics the publication presents as exploitative of children's nudity. The Classification Office considers that the publication is likely to be used for the sexual gratification of persons who are titillated or sexually stimulated by images of naked children. The file format facilitates easy transmission and proliferation of the image among similarly oriented individuals.

Referring to the New Zealand Bill of Rights Act 1990, the Classification Office considers that the limit on freedom of expression resulting from the classification is reasonable and demonstrably justified, given the aim of the Films, Videos, and Publications Classification Act 1993 of preventing likely injury to the public good. A less restrictive classification would not mitigate the likely injury, since the main appeal of the publication is likely to be to adults with a sexual interest in children and young people.

OFLC Ref: 9900580